



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 5]

नई दिल्ली, सोमवार, अगस्त 23, 2004 / भाद्र 1, 1926

No. 5]

NEW DELHI, MONDAY, AUGUST 23, 2004 / BHADRA 1, 1926

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in the Lok Sabha on 23rd August, 2004:—

BILL No. 57 OF 2004

A Bill to repeal certain Customs and Central Excise enactments.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Customs and Central Excise Laws (Repeal) Act, 2004. Short title.2. The enactments specified in the Schedule are hereby repealed. Repeal of
certain
enactments.3. (1) The repeal by this Act of any enactment shall not affect any other enactment in Savings.
which the repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceedings in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course or pleading, practice or procedure, or existing usage, custom, privilege, restriction,

exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment hereby repealed.

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

10 of 1897.

(2) Sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897 with regard to the effect of repeal of the Acts specified in the Schedule.

THE SCHEDULE

(See section 2)

Year	Number	Short title
(1)	(2)	(3)
1958	27	The Mineral Oils (Additional Duties of Excise and Customs) Act, 1958.
1959	58	The Sugar (Special Excise Duty) Act, 1959.
1986	45	The Central Duties of Excise (Retrospective Exemption) Act, 1986.
1986	62	The Customs and Excise Revenues Appellate Tribunal Act, 1986.
1988	29	The Customs and Central Excises Laws (Amendment) Act, 1988.

STATEMENT OF OBJECTS AND REASONS

The Commission on Review of Administrative Laws headed by Shri P.C. Jain, in its Report submitted to the Government on 30th September, 1998, recommended the repeal of the following enactments administered by the Ministry of Finance, namely:—

- (i) the Mineral Oils (Additional Duties of Excise and Customs) Act, 1958 (27 of 1958);
- (ii) the Sugar (Special Excise Duty) Act, 1959 (58 of 1959);
- (iii) the Central Duties of Excise (Retrospective Exemption) Act, 1986 (45 of 1986);
- (iv) the Customs and Excise Revenues Appellate Tribunal Act, 1986 (62 of 1986).

2. The aforesaid recommendations of the Commission on Review of Administrative Laws were examined by the Department of Revenue and it was found that the said enactments have no further application and are obsolete.

3. Besides the repeal of the above-mentioned Acts, the Department of Revenue also examined the provisions of the Customs and Central Excises Laws (Amendment) Act, 1988 (29 of 1988) and found that the provisions of the said Act were related to establishment and functioning of the Appellate Tribunal constituted under the Customs and Excise Revenues Appellate Tribunal Act, 1986 referred to at (iv) above. After repealing the enactment under which the Appellate Tribunal was to be constituted, the Customs and Central Excises Laws (Amendment) Act, 1988 has also to be repealed. The Bill proposes to repeal the aforesaid five enactments to remove the obsolete laws from the Statute book.

4. The Bill seeks to achieve the above objects.

NEW DELHI;

P. CHIDAMBARAM.

The 13th August, 2004

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF
THE CONSTITUTION OF INDIA

[Copy of letter No. 275/21/99-CX. 8A, dated the 10th August, 2004 from Shri P. Chidambaram, Minister of Finance to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the Customs and Central Excise Laws (Repeal) Bill, 2004, has recommended under article 117(1) of the Constitution of India, the introduction of the Bill in Lok Sabha.

BILL No. 54 OF 2004

A Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2004-05 for the purposes of Railways.

BE it enacted by Parliament in the Fifty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (Railways) No. 3 Act, 2004.

Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the Appropriation (Railways) Vote on Account No. 2 Act, 2004] to the sum of eighty-one thousand one hundred sixty-six crores, seven lakhs and eleven thousand rupees towards defraying the several charges which will come in course of payment during the financial year 2004-05, in respect of the services relating to Railways specified in column 2 of the Schedule.

Issue of
Rs.81166,07,11,000
out of the
Consolidated Fund
of India for the
financial year
2004-05.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

Appropriation.

THE SCHEDULE
(See sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Sums not exceeding		
		Voted by Parliament	Charged on the Consoli- dated Fund	Total
		Rs.	Rs.	Rs.
1	Railway Board	75,05,00,000	..	75,05,00,000
2	Miscellaneous Expenditure (General)	254,00,00,000	..	254,00,00,000
3	General Superintendence and Services on Railways	1749,14,50,000	1,00,000	1749,15,50,000
4	Repairs and Maintenance of Permanent Way and Works..	3252,97,94,000	2,10,000	3253,00,04,000
5	Repairs and Maintenance of Motive Power	1669,19,65,000	50,000	1669,20,15,000
6	Repairs and Maintenance of Carriages and Wagons....	3460,62,34,000	..	3460,62,34,000
7	Repairs and Maintenance of Plant and Equipment	1866,15,67,000	..	1866,15,67,000
8	Operating Expenses — Rolling Stock and Equipment	2834,22,21,000	..	2834,22,21,000
9	Operating Expenses — Traffic..	7122,01,28,000	..	7122,01,28,000
10	Operating Expenses — Fuel....	8276,42,74,000	..	8276,42,74,000
11	Staff Welfare and Amenities....	1379,83,85,000	2,95,000	1379,86,80,000
12	Miscellaneous Working Expenses	1712,47,00,000	35,82,09,000	1748,29,09,000
13	Provident Fund, Pension and Other Retirement Benefits....	6459,53,42,000	66,04,000	6460,19,46,000
14	Appropriation to Funds	10140,00,00,000	..	10140,00,00,000
15	Dividend to General Revenues, Repayment of loans taken from General Revenues and Amortisation of Over- Capitalisation	3652,74,00,000	..	3652,74,00,000
16	Assets—Acquisition, Con- struction and Replacement— Revenue	35,00,00,000	..	35,00,00,000
	Other Expenditure			
	Capital	19875,92,83,000	8,00,00,000	19883,92,83,000
	Railway Funds	3519,30,00,000	1,00,00,000	3520,30,00,000
	Railway Safety Fund	401,00,00,000	..	401,00,00,000
	Special Railway Safety Fund....	3383,90,00,000	1,00,00,000	3384,90,00,000
	TOTAL	81119,52,43,000	46,54,68,000	81166,07,11,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 116 thereof, to provide for the appropriation from and out of the Consolidated Fund of India of the moneys required to meet the expenditure charged on the Consolidated Fund of India and the grants made in advance by the Lok Sabha in respect of the estimated expenditure of the Central Government on Railways, for the financial year 2004-05.

LALU PRASAD.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE
CONSTITUTION OF INDIA

[Copy of letter No. 2004-B-401/1, dated the 3rd August, 2004 from Shri Lalu Prasad, Minister of Railways to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Appropriation Bill to authorise payment and appropriation of certain sums from and out of the Consolidated Fund of India for the services of the financial year 2004-05 for the purposes of Railways, recommends under clauses (1) and (3) of article 117 of the Constitution of India, the introduction in and consideration by Lok Sabha, of the Appropriation Bill.

G. C. MALHOTRA,
Secretary-General.